

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

FRIDAY, THE 12TH JANUARY 2007 / 22ND PAUSHA 1928

WP(C) .No. 1303 of 2007(E)

AGAINST THE ORDER DATED 02/02/2005 IN EP 95/99 IN
OS.107/1989 of PRL.SUB COURT, IRINJALAKUDA

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PETITIONER:

ANNIE, AGED 69, W/O. LATE VARKEY,
PALLIPATU HOUSE, KANISSERY VILLAGE,
MUKUNDAPURAM TALUK.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENT:

PHILOMINA, W/O. PALLIPAT BABY,
MADAIKONAM VILLAGE, MUKUNDAPURAM TALUK.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 12/01/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

M. SASIDHARAN NAMBIAR, J.

W.P.(C).No. 1303 OF 2007

Dated this the 12th day of January, 2007

J U D G M E N T

In execution of the decree in O.S.107/89 property of the judgment debtor was sold. When the property is sought to be taken delivery of, this petition is filed under Article 227 of Constitution of India. As stated in the writ petition, son of the petitioner earlier filed W.P.C. 16400/2006 which was disposed as per judgment dated 8.1.2005 and again W.P.C. 39452/2003 which was disposed on 28.11.2006. The case of petitioner is that there is fight between her two sons and only the undivided share was purchased by the auction purchaser and therefore it will not affect her right and hence delivery cannot be taken. These are matters to be agitated by the petitioner either before the executing court or by filing an appeal. Petitioner is not entitled to get any relief in exercise of the extra ordinary jurisdiction of this court under Article 227 of Constitution of India.

Writ petition is dismissed.

**(M. SASIDHARAN NAMBIAR,
JUDGE)**

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